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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/893,693

06/29/2001

Richard A. Watson JR.

06975-088001

4959

26171 7590 04/23/2009

FISH & RICHARDSON P.C.

P.O. BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT

PAPER NUMBER

2457

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* RICHARD A. WATSON JR.

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Application No. 09/893,693  
Technology Center 2400

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Mailed: April 22, 2009

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Before QUITA GOULD, *Supervisory Paralegal Specialist, Review Team*  
GOULD, *Supervisory Paralegal Specialist, Review Team*

**ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER**

This application was electronically received by the Board of Patent Appeals and Interferences on January 21, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**EXAMINER'S CONSIDERATION OF REPLY BRIEF**

A Reply Brief was filed in this application on December 12, 2008. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR CFR § 41.43(a)(1) and MPEP § 1208, part II.

**APPEAL BRIEF, STATUS OF AMENDMENTS**

A review of the file finds that the status of the amendments as provided in the Appeal Brief filed July 22, 2008, under the heading "Status of Amendments" is unclear in accordance with 37 CFR 41.37(c)(1)(iv).

A review of the file finds that an After Final Amendment was filed December 26, 2007. However, Appellant has not provided the necessary statement as to the status of the After Final Amendment filed and the statement regarding the status of the amendment is unclear. Correction of the status of amendment(s) filed subsequent to Final rejection is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed October 21, 2008;
- 2) provide a new Examiner's Answer including a correct "Status of Amendment" section in addition to correction to other sections as required;

3) consider the Reply Brief filed December 12, 2008 as indicated above;

4) hold the Appeal Brief filed on July 22, 2008 defective;

5) notify Appellant to file **a paper** properly addressing the status of the After Final Amendment filed December 26, 2007;

6) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QG/LLW

FISH & RICHARDSON P.C.  
P.O. BOX 1022  
MINNEAPOLIS MN 55440-1022